

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA §
§
Plaintiff, §
§
v. § CASE NO. 7:08-CV-206
§
1.22 ACRES OF LAND, MORE OR LESS,
SITUATE IN HIDALGO COUNTY,
TEXAS; AND ESTATE OF MARIA PENA
FLORES, ET AL., §
§
Defendants. §

STATUS REPORT

The United States of America ("United States") files this Status Report to inform the Court regarding the status of this case:

PROCEDURAL HISTORY

1. On July 1, 2008, the United States filed its Declaration of Taking ("Declaration") and a Complaint in Condemnation ("Complaint") in this cause for the taking of certain interest in real property identified as Tract Nos. RGV-MCS-1022E-1, RGV-MCS-1022E-2, RGV-MCS-1022E-3 which interest and property are more particularly described in Schedules "C," "D" and "E" of the Declaration and Complaint (Docket No. 1 and Docket No. 2).
2. On July 1, 2008 the United States deposited into the Registry of the Court its estimated just compensation in the amount of \$2,900.00 (Docket No. 4), at which time pursuant to the Declaration of Taking Act, 40 U.S.C. § 3114, title to the Subject Property passed to the United States by operation of law

3. On November 22, 2010, the United States filed its Amendment to the Declaration of Taking and an Amendment to the Complaint in Condemnation (Docket No. 8 and Docket No. 9) in this cause to acquire certain interests in additional land identified as Tract RGV-MCS-1022E-4, formerly part of RGV-MCS-1022E-3, and to provide a legal description, survey plat, and estate taken for same; to clarify the legal description and accompanying plat for acquired Tracts RGV-MCS-1022E-1, RGV-MCS-1022E-2, RGV-MCS-1022E-3; to clarify the estate being taken for acquired Tracts RGV-MCS-1022E-1, RGV-MCS-1022E-2, RGV-MCS-1022E-3. On February 7, 2013, the United States filed a Second Amendment to the Declaration of Taking and Second Amendment to the Complaint in Condemnation (Docket No. 21 and Docket No. 22) to clarify the estate being taken for acquired Tract RGV-MCS-1022E-4.
4. In a Status Report filed by the United States on December 7, 2018, (Docket No. 31), the United States advised the Court that it intended to: a) file a motion to add potentially interested parties, which the United States filed on March 14, 2019 (Docket No. 37) and the Court granted in part on April 23, 2019 (Docket No. 41); and b) publish notice pursuant to Fed. R. Civ. P. 71.1(d)(3)(B), which the United States filed proof of publication on March 20, 2019 (Docket No. 38).
5. On March 14, 2019, the United States moved to add fifty-two (52) parties to the instant case (Docket No. 37), which the Court granted in part on April 23, 2019 (Docket No. 41).

STATUS UPDATE

6. Beginning May 14, 2019, the United States has served process upon the newly added fifty-two (52) parties as indicated below:

<u>Certified Mail</u>	<u>Hand Delivery</u>
1. Lea Brandenburg	1. Keith Allen Brandenburg
2. Maria Luisa Cavasos	2. Ernestina F. Campos
3. Norma Linda F. Cardenas	3. Oscar David Flores
4. Hermelinda F. Garza	4. Jose Ramiro Flores
5. Irma F. Luna	5. Antonio Manuel Flores
6. Arminda Minerva F. Munoz	6. Hector Flores
7. Elizabeth F. Salinas	7. San Juana Alicia Flores
8. Ricardo Romeo Flores	8. Gilberto Flores
9. Randy Lee Flores	9. Marisela Ramirez
10. Arnoldo Flores	10. Maria Del Rosario Flores Salinas
11. Aaron Javier Flores	11. David Matthew Morin
12. Roel Flores	12. Elizabeth R. Valdez
13. Arnulfo Flores	13. Elizandro Munoz, Jr.
14. Guadalupe Flores	14. Ema Lydia Munoz Duran
15. Florentino Flores	15. Gilberto Flores, Jr.
16. Felicia Miranda Flores	16. Gustavo Flores, Jr.
17. Roberto Flores	17. Matias Flores, Jr.
18. John Jeffery Flores	18. Noe Ruben Munoz
19. Idolina Flores Gutierrez	19. Noelia M. Gutierrez
20. Mary Katherine Flores Ramirez	20. Noemi Munoz
21. Maria Luisa Flores Ruiz	21. Rene Flores, Jr.

22. Aurora M. Flores Trigo	22. Ricardo G. Flores
23. Froilan Ramirez III	23. Rodolfo M. Pena, Jr.
24. Maribel J. Jimenez	24. Rodolfo Manuel Pena
25. Patricia Ramirez Oviedo	25. Robert Michael Valdez
26. Richard Paul Valdez	
27. Ruben Flores III	

7. Of those who received notice via Certified Mail, twelve (12) have returned Waivers of Service. Of those who received notice via Hand Delivery, fifteen (15) have returned Waivers of Service. These waivers have been filed between the dates of May 16, 2019 through July 3, 2019.
8. The United States has been unable to deliver notice to seven (7) parties: Irma F. Luna, Antonio Manuel Flores, Arnulfo Flores, Guadalupe Flores, John Jeffery Flores, Froilan Ramirez III, and Rodolfo Manuel Pena. This is a result of either death or the inability to locate correct addresses after extensive research.
9. With respect to the courts inquiry "which parties have an interest in which Tracts," the United States directs the court to Schedules "CC" and "DD" of the Amendment to Declaration of Taking (Docket No. 9). All fifty-two (52) parties have equal interests in the property identified in the aforementioned schedules.
10. To date, the United States has had great difficulty contacting the interested parties and as a result no negotiations have taken place thus far. However, the United States has deposited two thousand nine hundred dollars (\$2,900.00) into the registry as just compensation for

this matter (Docket No. 4).

11. The United States would like to remedy any discrepancies or deficiencies with regard to Christie Elizabeth Flores Salazar. The United States erred by including Christie Elizabeth Flores Salazar in the service list attached to the United States' motion (Docket No. 29), as she had already disclaimed any interest in the land taken in the case (Docket No. 25). Christie Elizabeth Flores Salazar had already been formerly dismissed by the Court on July 27, 2019 (Docket No. 29) and as such, the United States should not have included her in the service list.
12. Additionally, The United States would like to remedy any discrepancies or deficiencies with regard to Dillard National Bank. The United States originally listed Dillard National Bank on "Schedule GG" by virtue of an abstract of judgment filed in Hidalgo County, Texas against Gilberto Flores (Docket No. 9). Thus, Dillard National Bank was included in the service list in Docket No. 9 because it was already a named party that had an interest and/or claim in the case. The United States is in the process of determining if Dillard National Bank was improperly named and intends to file a motion to dismiss once the United States confirms the identity of Gilberto Flores, who is named as a party in this case.
13. The United States continues diligent efforts to locate any and all heirs related to this property.

Respectfully submitted,

RYAN K. PATRICK
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Southern District of Texas

By: *s/ E. Paxton Warner*

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CERTIFICATE OF SERVICE

The undersigned certifies that he served a true and correct copy of the foregoing STATUS REPORT on the parties remaining in this case by first-class U.S. mail, postage prepaid, on July 3, 2019.

s/ E. Paxton Warner
E. PAXTON WARNER
Assistant United States Attorney